

Wetlands Bureau Decision Report

Decisions Taken
11/23/2009 to 11/29/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2007-00881 LINCOLN SOUTH MOUNTAIN PARTNERS LINCOLN Unnamed Wetland East Branch Of The Pemi River

Requested Action:

Amend permit to reduce the overall wetland impact by 3,554 square feet based on a change in design from the originally approved 78-unit (39 duplex buildings) residential condominium development to a new design consisting of five 12-unit buildings.

Conservation Commission/Staff Comments:

***ARM Fund payment recvd 2/27/08.

Mitigation is accomplished through the in-lieu fee payment to the ARM fund (\$30,122.14). Combined review of this file with the Alteration of Terrain file #070501-02 - CDR

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 8,883 square feet of wetland and a man-made intermittent drainage (impacting 440 linear feet) to construct a residential condominium development with five 12-unit buildings and associated roadways, utilities and culvert crossings. The application has been deemed eligible for a one time payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated October 2009, as received by DES on November 9, 2009.
2. This approval is contingent on receipt by DES of a one time payment of \$30,122.14 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This approval is contingent on approval by the DES Alteration of Terrain Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(i), as impacts to a man-made intermittent drainage are greater than 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
6. The payment calculated for the proposed wetland loss equals \$30,122.14.
7. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
8. The payment into the ARM fund shall be deposited in the DES fund for the "Pemigewasset River" watershed per RSA 482-A:29.
9. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.87.
10. DES finds that the permit amendment to reduce the overall wetland impact by 3,554 square feet is consistent with Rule Env-Wt 302.03 which further demonstrates that the alternative further avoids and minimizing wetland impact.

2009-01301 SZEMPLINSKI, JACK
ALTON Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 ft seasonal dock connected to a 7 ft x 6 ft concrete pad, excavate 888 sq ft of bank and shoreland, and dredge 30 cubic yards from 600 sq ft of lakebed to construct a dug-in, one slip, single story boathouse, on an average of 184 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com recommends deny application due to past violations and non compliance of lots

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock connected to a 7 ft x 6 ft concrete pad, excavate 888 sq ft of bank and shoreland, and dredge 30 cubic yards from 600 sq ft of lakebed to construct a dug-in, one slip, single story boathouse, on an average of 184 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering Inc revision dated October 12, 2009, as received by DES on October 25, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. This permit shall not be valid until a Shoreland permit from the Department is approved for the impacts within the protected shoreland.
5. This permit shall not be valid until a restoration plan is approved and executed to address prior Shoreland impacts on the lot.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau. This permit does not allow for additional wetland impacts on the lot.
7. The boathouse shall be a single-story structure; ridgeline not to exceed 15.2 ft in height (Elev. 519.5) above normal high water (Elev. 504.32).
8. The boathouse shall not exceed the elevation as allowed by the Town Of Alton zoning.
9. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.

10. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
15. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
16. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
17. The seasonal pier shall be removed from the lake for the non-boating season.
18. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
19. The concrete pad shall be entirely located behind the natural undisturbed shoreline and above elevation 504.32.
20. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
6. The applicant has an average of 184 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13 and addresses one of the local Conservation Commissions concerns.
9. This permit is not valid until a restoration plan addressing the previous violations of RSA 483-b is approved by the Department and completed by the Applicant. This requirement addresses the local Conservation Commission concerns.

-Send to Governor and Executive Council-

2009-01834 US DEPT OF JUSTICE, FEDERAL BUREAU OF PRISONS
BERLIN Unnamed Wetland

Requested Action:

After the fact application to replace a 24 in. x 78 ft. culvert with a 42 in. x 95 ft. culvert to widen East Milan road for turning lanes accessing the federal prison impacting 1,000 sq. ft. of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

This project is assoc. with 2006-02310.

APPROVE AFTER THE FACT:

After the fact application to replace a 24 in. x 78 ft. culvert with a 42 in. x 95 ft. culvert to widen East Milan road for turning lanes accessing the federal prison impacting 1,000 sq. ft. of palustrine and riverine wetlands.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(I), projects which, when taken in the aggregate with previous work within the last 5 years, would be considered major and per RSA 482-A:11,V.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. Department of Environmental Services (DES) staff conducted a field inspection of the proposed project prior to the original application for site development (file 2006-02310) and recommended that the applicant consider turning lanes in the overall design.
5. On October 10, 2008 the DES received plans and a letter from Tetra Tech Rizzo, the applicant's agent, requesting confirmation that this was sufficient information to authorize work on East Milan Road under the existing permit.
6. On October 20, 2008 the DES responded, by phone and e-mail, that the amendment needed to be filed with the city, that they would need a letter from the Conservation Commission or wait 2 weeks after the city received the information, that the information was lacking photos, the wetland type, a letter from NHDOT authorizing the work and a letter from any abutter where temporary impacts appeared to be outside of the ROW.
7. The NH Dept. of Transportation recommended approval of the design by an Inter-Department Memo dated Oct. 20, 2008.
8. On February 26, 2009 the DES found that the culvert was replaced and that the contractor had understood that the permit was amended.
9. DES finds that the applicant's agent misunderstood the requirements on how to file a permit amendment vs. the requirements to expedite the request.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as this portion of the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine and riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

**2009-01119 NH FISH & GAME DEPT
OSSIPEE Conner Pond**

Requested Action:

Permanently remove an existing boatramp and install a 12 ft x 12 ft concrete ramp in a new location on Connor Pond, Ossipee.

Conservation Commission/Staff Comments:

No Con Com comments by August 20, 2009

APPROVE PERMIT:

Permanently remove an existing boatramp and install a 12 ft x 12 ft concrete ramp in a new location on Connor Pond, Ossipee.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike dated April 2009, as received by DES on October 28, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee.
3. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during draw down.
6. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Connor Pond.
8. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
9. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
10. The boat ramp shall be utilized indefinitely as a public access to Connor Pond and shall not change in use.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01323 BRADFORD, TOWN OF
BRADFORD Hoyt Brook

Requested Action:

Dredge and fill \pm 257 sq. ft. and temporarily impact \pm 1,563 sq. ft. of Hoyt Brook for replacement of the West Rd. Bridge (bridge no. 098/114).

APPROVE PERMIT:

Dredge and fill \pm 257 sq. ft. and temporarily impact \pm 1,563 sq. ft. of Hoyt Brook for replacement of the West Rd. Bridge (bridge no. 098/114).

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated May 08, 2009, as received by the Department on June 22, 2009.
2. Work shall be done during low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is

stabilized.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
19. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
22. This permit is contingent upon the restoration of 1,563 sq. feet of Hoyt Brook temporary impact (work space) to be completed immediately following construction.
23. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of a perennial nontidal stream or river channel or its banks.
2. In correspondence received July 17, 2009, the Bradford Conservation Commission expressed support for the project.
3. The NHFG Fisheries Division reviewed the project and did not object to the proposal.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The bridge is currently posted as E-2 and is on the NHDOT Municipal Red List.
6. The existing bridge length over the travel lanes, rail to rail is 21.4 feet and the bank to bank span over the river is 22 feet. The proposed bridge length over the travel lanes, and rail to rail is 27 feet and bank to bank span over the river of 28 feet.
5. HEC-RAS hydraulic analysis results confirm the existing bridge will not pass a 50-year storm, but the proposed span will pass a 50-year storm with 1.2 feet of freeboard.
6. The FEMA Flood Insurance Rate Map for the Town indicates the project site is located within a special flood hazard area.
7. The proposed bridge will be constructed online with a slight shift downstream. This realignment will require permanent work in jurisdiction on three abutting parcels (tax map/lot no. 5/91, 67 and 42). Written permission for work on these abutting parcels has

been obtained.

8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01450 INDIAN MOUND PROPERTY OWNERS
OSSIPEE Ossipee Lake

Requested Action:

Applicant requests to repair an existing boatramp, repair an existing retaining wall and dredge an area of lake bed to provide access the docking area on Ossipee Lake, Ossipee.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

Inspection Date: 10/15/2009 by Jeffrey D Bleharczyk

DENY PERMIT:

Repair an existing boatramp and an existing retaining wall and dredge an area of lake bed to provide access the docking area on Ossipee Lake, Ossipee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:11,II, "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."
3. This project is classified as a minor impact per Rule Env-Wt 303.02(g), "removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters".

Findings of Fact

4. The state retains ownership of all land below elevation 410 as part of Ossipee Lake.
5. On July 03, 2008, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Ossipee tax map 41, lots 42, to repair an existing boatramp, repair an existing retaining wall and dredge an area of lake bed to provide access the docking area on Ossipee Lake, Ossipee.
6. The proposed dredging is located adjacent to tax map 39 lot 33-1 and below Elevation 410.
7. The Applicant does not retain ownership of the property where the proposed dredging is proposed.

Rulings in Support of Denial

8. The Applicant is proposing to dredge adjacent to and on land the Applicant does not own. Therefore, in accordance with RSA 482-A:11 and Env-Wt 402.18, the project is denied.

MINIMUM IMPACT PROJECT

2008-00822 SWISS VIEW CONDOS
BRISTOL Newfound Lake

Requested Action:

Appellant requests reconsideration of the Department's decision to issue a permit to retain 76 linear feet of fence, add 16 linear feet of fence, remove 20 linear feet of fence near the western property line on Newfound Lake, Bristol.

Conservation Commission/Staff Comments:

No comments from Con Com by Sept 24, 2008

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the approval to retain 76 linear feet of fence, add 16 linear feet of fence, remove 20 linear feet of fence near the western property line on Newfound Lake, Bristol.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:10, II "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
2. In accordance with RSA 482-A:10,III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration", and RSA 482-A:10,III continues "The department shall grant or deny the request for reconsideration within 30 days of the department's receipt of the request".

Findings of Fact

1. On September 24, 2009, the Department issued a permit, with conditions, for the applicant to retain 76 linear feet of fence, add 16 linear feet of fence, remove 20 linear feet of fence near the western property line on Newfound Lake, Bristol.
2. On November 10, 2009, the Department received a letter from the Town of Bristol requesting an appeal from the decision and requesting the Department schedule a hearing at which the town could provide evidence and information as to why the fence should be removed in its entirety.
3. The request for reconsideration was received by the department 47 days after the permit was issued by the Department.

Rulings in Support of the Decision

1. The appellant did not submit a timely request for reconsideration or submit any information in support of the request for reconsideration. Therefore in accordance with RSA 482-A:10,III, the request for reconsideration request is denied.

2009-01778 CHOUINARD, BRENDA
SEABROOK Blackwater River

Requested Action:

Impact a total of 2,400 sq. ft. in the previously developed upland tidal buffer zone to remove an existing 539 sq. ft. mobile home and attached deck and construct a new 539 sq. ft. dwelling within the same footprint and to regrade the site for improved drainage including constructing a 10 ft. x 45 ft. rain garden.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not comment on this application.

Inspection Date: 06/05/2009 by Frank D Richardson

Inspection Date: 02/27/2009 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 2,400 sq. ft. in the previously developed upland tidal buffer zone to remove an existing 539 sq. ft. mobile home and attached deck and construct a new 539 sq. ft. dwelling within the same footprint and to regrade the site for improved drainage including constructing a 10 ft. x 45 ft. rain garden.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated July 28, 2009, as received by DES on August 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. NH DES Wetlands Bureau Administrative Rule Env-Wt 304.04(a), Setback From Property Lines, is waived with the finding that this project as proposed and approved is compliant with the criteria for granting a waiver as set forth in Env-Wt 204.04(a)(1)&(2).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH DES Wetlands Bureau Administrative Rule Env-Wt 304.04(a), Setback From Property Lines, is waived with the finding that this project as proposed and approved is compliant with the criteria for granting a waiver as set forth in Env-Wt 204.04(a)(1)&(2).

2009-02460 NH DRED
ODELL Unnamed Stream

Requested Action:

Dredge and fill wetlands at 41 existing crossing locations, each impacting less than 3,000 square feet, to repair existing gravel access roads within the Nash Stream State Forest known as Whitcomb Pond Road and Trio Ponds Road. Repairs include installing stone fords in wetlands, culverts in intermittent drainages, and a wood bridge spanning a perennial stream. Impacts for each crossing repair range from 35 to 2,940 square feet. Total dredge and fill impacts is approximately 14,800 square feet and 334 linear feet.

Inspection Date: 05/21/2009 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill wetlands at 41 existing crossing locations, each impacting less than 3,000 square feet, to repair existing gravel access roads within the Nash Stream State Forest known as Whitcomb Pond Road and Trio Ponds Road. Repairs include installing stone fords in wetlands, culverts in intermittent drainages, and a wood bridge spanning a perennial stream. Impacts for each crossing

repair range from 35 to 2,940 square feet. Total dredge and fill impacts is approximately 14,800 square feet and 334 linear feet.

With Conditions:

1. All work shall be in accordance with plans by the NH Dept. of Resources and Economic Development (DRED), Division of Forest and Lands dated September 2009, as received by the DES on October 16, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Work within streams shall be done in the dry or during periods of low flow.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This project is classified as a Minimum Impact Project per Rule Env-Wt 303.04(j), as each impact to repair the existing state-owned access road is less than 3,000 square feet and crosses streams less than 10' wide.
2. Whitcomb Pond Road and Trio Ponds Road are existing gravel roads that have been utilized for nearly a century to access the ponds for recreational uses; however, DRED recently became aware of wetland rutting issues within the roadbeds from vehicular traffic.
3. DRED is proposing to install appropriate BMP wetland crossings at 41 locations to improve the road and remove ongoing rutting and erosion issues.
4. Each individual wetland crossing meets the rules of Minimum Impact Projects.
5. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-02676 HARDY, DALE
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 4, Lot# 6

2009-02684 THOMAS, MALCOLM & ELIZABETH
ALBANY Unnamed Stream

COMPLETE NOTIFICATION:
Albany Tax Map 9, Lot# 92

2009-02685 TIN MOUNTAIN CONSERVATION CENTER
CONWAY Unnamed Stream

COMPLETE NOTIFICATION:
Conway Tax Map/Lot# 223/15& 16, 226/6 & 239/3

2009-02686 KRUGER, RICHARD
PEMBROKE Unnamed Stream

COMPLETE NOTIFICATION:
Pembroke Tax Map 561, Lot# 46

2009-02732 WILSON, FRANK & DEBORAH
NORTH SANDWICH Unnamed Stream

Conservation Commission/Staff Comments:
Lot 8 is indicated on the map. It will be cut, there are no jurisdictional areas, just on 8A

COMPLETE NOTIFICATION:
North Sandwich Tax Map R3, Lot# 8A

2009-02733 LAKES REGION CONSERVATION TRUST
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Moultonboro Tax Map/Lot# 125/1 & 408/2

2009-02734 WILSON, RODNEY
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 60, Lot# 2244

2009-02736 PRATT, PETER
BRENTWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Brentwood Tax Map 224, Lot# 1

2009-02737 **ALLARD, JAMES**
MARLOW **Unnamed Stream**

COMPLETE NOTIFICATION:
Marlow Tax Map/Lot# 203/116 & 409/41, 44 & 45

2009-02741 **PIPER, NANCY**
MEREDITH **Unnamed Stream**

COMPLETE NOTIFICATION:
Meredith Tax Map R1, Lot# 1

2009-02758 **EDWARDS REVOC TRUST, PAUL & MARGARET**
RAYMOND **Unnamed Stream**

COMPLETE NOTIFICATION:
Raymond Tax Map 38, Lot# 30

2009-02759 **DANIEL WEBSTER COUNCIL**
ALTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Alton Tax Map 7, Lot# 6 & 7

2009-02762 **NH DRED**
WARNER **Unnamed Stream**

COMPLETE NOTIFICATION:
Warner Tax Map 8, Lot# 24

2009-02763 **ALEXANDER, DANIEL**
CANTERBURY **Unnamed Stream**

COMPLETE NOTIFICATION:
Canterbury Tax Map 207, lot# 1

2009-02765 **BUTLER, MIKE**
ANTRIM **Unnamed Stream**

COMPLETE NOTIFICATION:
Antrim Tax Map 229, Lot# 4

2009-02766 **JANIGAN, MIRIAM**
GOFFSTOWN **Unnamed Stream**

COMPLETE NOTIFICATION:
Goffstown Tax Map 6, Lot# 56-2

EXPEDITED MINIMUM

2009-02241 CHIARELLO, CHARLES & CHERYL
ALTON Lake Winnepesaukee

Requested Action:

Repair a 35 ft. breakwater with a 6 ft. shoreline opening and a 4 ft. x 30 ft. cantilevered dock attached to an adjacent 6 ft. x 30 ft. piling dock by an 11 ft. 11 in. x 3 ft. walkway and accessed by a 4 ft. x 10 ft. walkway with two tie-off pilings at a distance of 11 ft. 11 in. from the piling pier and one ice-cluster located 5 ft. from the lakeward end of the piling pier on 100 ft of frontage on Rattlesnake Island, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair a 35 ft. breakwater with a 6 ft. shoreline opening and a 4 ft. x 30 ft. cantilevered dock attached to an adjacent 6 ft. x 30 ft. piling dock by an 11 ft. 11 in. x 3 ft. walkway and accessed by a 4 ft. x 10 ft. walkway with two tie-off pilings at a distance of 11 ft. 11 in. from the piling pier and one ice-cluster located 5 ft. from the lakeward end of the piling pier on 100 ft of frontage on Rattlesnake Island, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated October 30, 2009, as received by DES on November 02, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-02577 DUBLIN, TOWN OF
DUBLIN Unnamed Stream

Requested Action:

Dredge and fill \pm 100 square feet of intermittent stream to install a 15-inch x 20-foot HDPE culvert for access to an existing stone quarry and a 15-inch x 10-foot HDPE culvert for a proposed trail access to existing trail system.

APPROVE PERMIT:

Dredge and fill \pm 100 square feet of intermittent stream to install a 15-inch x 20-foot HDPE culvert for access to an existing stone quarry and a 15-inch x 10-foot HDPE culvert for a proposed trail access to existing trail system.

With Conditions:

1. All work shall be in accordance with plans by Site Succor Design, LLC dated October 21, 2009, as received by the Department on October 28, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. A portion of abutting tax map/lot no. 6/47 was gifted to the Town in 2008. This area is used as a quarry by the Town.
3. The Town has obtained written permission for work within 20 feet if abutting property tax map/lot no. 6/47.
4. The proposed trail will not involve filling or excavation in the protected shoreland.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02587 GUNSTOCK ACRES COMMON PROPERTY TRUST, AL HIRTE
GILFORD Lake Winnepesaukee

Requested Action:

Place fill over 540 sq ft of bank along 16 linear ft of shoreline to repair and improve a walk-in small craft launch and replace an existing 14 ft 1 in x 55 ft 3 in piling pier in-kind on 500 ft of frontage on lake Winnepesaukee, in Gilford.

APPROVE PERMIT:

Place fill over 540 sq ft of bank along 16 linear ft of shoreline to repair and improve a walk-in small craft launch and replace an existing 14 ft 1 in x 55 ft 3 in piling pier in-kind on 500 ft of frontage on lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 20, 2009, as received by DES on October 29, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The dock repairs shall maintain the size, location and configuration of the pre-existing structure.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. No invasive species shall be planted on this frontage. Special care shall be taken to ensure that no invasive species are planted or otherwise become established in the restoration areas adjacent to the small craft launch.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing structures in the dry.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02719 GLENCLIFF HOME FOR THE ELDERLY, ATTN TODD BICKFORD
BENTON Unnamed Pond

Requested Action:

Maintenance dredge 13,400 sq. ft. of Slide Brook Impoundment, an existing man-made pond.

APPROVE PERMIT:

Maintenance dredge 13,400 sq. ft. of Slide Brook Impoundment, an existing man-made pond.

With Conditions:

1. All work shall be in accordance with the plan titled Slide Brook Impoundment Dredging: Dredging Plan and Details, dated November 2009 received by DES on November 13, 2009.
2. The pond shall be fully drained before work is to begin.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
4. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
5. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
6. All material removed during work activities shall be placed out of DES's jurisdiction.

7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
9. Machinery shall not be located within surface waters, where practicable.
10. Machinery shall be staged and refueled in upland areas.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that: (1) The work is done within the original bounds of a legally-constructed project; (2) The project is not located in or adjacent to prime wetlands; (3) The work does not exceed 20,000 square feet; and (4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Slide Brook Impoundment and associated dam is owned and operated by the Glencliff Home. The impoundment is in Benton State Forest. Benton State Forest granted approval for this project.
6. This project is scheduled to receive funding through the American Recovery and Reinvestment Act.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.

PERMIT BY NOTIFICATION

2009-02754 GORDON, DALE
WEARE Unnamed Wetland

Requested Action:

Dredge and fill \pm 780 sq. ft. of palustrine forested wetlands to install a 15-inch x 24-foot culvert for driveway access to an existing single family residence lot of record.

PBN IS COMPLETE:

Dredge and fill \pm 780 sq. ft. of palustrine forested wetlands to install a 15-inch x 24-foot culvert for driveway access to an existing single family residence lot of record.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses

that meets the criteria in Env-Wt 303.04(z).

3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The subdivision of tax map/lot 202/44-1 occurred in 1994 (SA1994042214).
5. The proposed driveway impacts are within 20 feet of abutting property tax map/lot no. 202/44, which is also owned by the Applicant.

CSPA PERMIT

2009-01965 NEW CASTLE REALTY TRUST, MILDRED ANDERSON TTEE
RYE Atlantic Ocean

Requested Action:

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

Request amendment to allow subtle changes in original layout of walkways and bulkhead.

APPROVE AMENDMENT:

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans submitted by NHSC, Inc., created by TMS Architects, last revised September 24, 2009 and received by the Department of Environmental Services ("DES") on September 29, 2009.
2. No more than 19.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,324 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. This amendment request proposes no increase in impervious area beyond that initially proposed.

2009-02041 VALONA, FRANK & JUDITH
PITTSBURG Lake Francis

Requested Action:

Request amendment to allow change in location of proposed garage, increase size of proposed walkway and increase quantity of fill.

APPROVE AMENDMENT:

Impact 11,740 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Karen L. Dickson of North Country Septic Design dated August 22, 2009, and revised and received by the Department of Environmental Services ("DES") on November 16, 2009.
2. No more than 12.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 81 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-02694 HALL, JILL
HARRISVILLE Silver Lake

Requested Action:

Impact 1,147 sq ft to replace existing boat house pilings.

APPROVE PERMIT:

Impact 1,147 sq ft to replace existing boat house pilings.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc dated November 10, 2009 and received by the Department of Environmental Services ("DES") on November 13, 2009.
2. No more than 1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 52,628 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 26,314 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02700 NH DEPT OF TRANSPORTATION
PITTSFIELD Suncook River

Requested Action:

Impact 485 sq ft to conduct road repairs and replace an existing retaining wall.

APPROVE PERMIT:

Impact 485 sq ft to conduct road repairs and replace an existing retaining wall.

With Conditions:

1. All work shall be in accordance with plans by Matt Urban dated October 20, 2009 and received by the Department of Environmental Services ("DES") on November 16, 2009.
2. There shall be no increase in the area of the lot within the protected shoreland covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will not alter any areas beyond the primary building setback currently in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

CSPA PERMIT W/VARIANCE

2008-02327

MALLEN, EDWARD/RENE

RYE Atlantic Ocean

Requested Action:

Request amendment to allow subtle changes in location of proposed dwelling and septic system.

APPROVE AMENDMENT:

Impact 4,496 sq ft in order to replace an existing primary structure, construct accessory structures, and a septic system.

VARIANCE APPROVED: RSA 483-B:9, V, (g), (2), is varied so as not to require the planting of vegetation throughout the Waterfront Buffer.

With Conditions:

1. All work shall be in accordance with revised building plans and stormwater control plans by Ambit Engineering Inc. dated October 5, 2009 and received by the Department of Environmental Services ("DES") on October 9, 2009.
2. This approval includes a variance of RSA 483-B:9, V, (g), (2) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 27.09% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
5. The proposed stormwater controls shall be designed to effectively absorb and infiltrate stormwater.
6. The proposed rain garden shall be vegetated with native vegetation.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant has proposed an increase in impervious surface to an amount which exceeds 20% of the total lot size and is unable to plant 50 points of vegetation within the waterfront buffer, and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the granting of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land would prohibit the property owner from planting 50 points of vegetation within the waterfront buffer.
4. The statute is being met to the greatest extent feasible while allowing the property owner to enjoy a significant property right and therefore is consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as it allows the property owner to enjoy a significant property right while remaining consistent with the intents of the statute.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.
8. The amended project proposes an increase in impervious area by .19 percent.

CSPA PERMIT W/WAIVER

2008-02475 LYONS, ROBERT
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Request amendment to allow for a slight change in configuration of a breezeway, reduction in size of driveway and construction of a pervious walkway.

APPROVE AMENDMENT:

Impact 4,549 sq ft for purposes of constructing a garage and breezeway and attaching to existing dwelling and relocate the existing driveway.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with amended plans by Ames Associates dated November 2, 2009 and received by the Department of Environmental Services ("DES") on November 10, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 8,405 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,755 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. The proposed pervious walkway will be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 1 feet infiltration trenches on the northerly and westerly perimeters of the proposed garage and breezeway.
4. The applicant has proposed to plant 1,250 sq ft of lowbush blueberry sod within the waterfront buffer to better handle storm water runoff.
5. The applicant has proposed to plant lowbush blueberry and hay scented fern along the south east side of the patio and east of the shore-side deck to better handle storm water runoff.
6. The applicant has proposed to install stormwater controls as well as significant vegetative enhancements to the waterfront buffer and natural woodland buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02299 PEREIRA, AUDREY/LOUIS
WINDHAM Cobbetts Pond

Requested Action:

Impact 6,500 sq ft for the purpose of expanding an existing non-conforming structure and installing a dry well.

Conservation Commission/Staff Comments:

Spoke with Joe Maynard via phone 11/9/09. He will be sending in a revised, more nearly conforming plan.

APPROVE PERMIT:

Impact 6,500 sq ft for the purpose of expanding an existing non-conforming structure and installing a dry well.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

VARIANCE APPROVED: RSA 483-B:9, (V)(a)(2)(c) is varied to allow a temporary disturbance to natural ground cover within the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, dated September 24, 2009 and received by the Department of Environmental Services ("DES") on October 5, 2009 and November 23, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and variance of RSA 483-B:9, v (a)(2)(c), and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 21.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. Impacts within the waterfront buffer will only be for the purpose of installing the proposed dry well and all disturbed areas within the waterfront buffer will be stabilized with natural, native vegetation.
6. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
7. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to plant additional plantings within the waterfront buffer to bring the grid and point score above that required by law.

4. The applicant has proposed to install stormwater controls consisting of a 4 ft x 8 ft dry well.

5. The applicant has proposed grade changes to the existing driveway to better direct stormwater to the proposed dry well.

6. The applicant has proposed to significantly enhance the waterfront buffer, install stormwater controls and regrade the existing driveway to better handle stormwater, and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

7. The applicant or their designated agent hereby request a variance of RSA 483-B:9 V(A)(i) for the purpose of installing a dry well that will temporarily disrupt natural ground cover within the waterfront buffer.

8. The literal enforcement of the standard would result in an unnecessary hardship as the waterfront buffer is the only area on site best suited to install a dry well to intercept and infiltrate the greatest quantity of stormwater. 9. Granting the variance will not result in the diminution in the value of the surrounding properties as upon completion of the proposed project the disturbed areas within the waterfront buffer will be allowed to revert to natural, native vegetation and a greater quantity of stormwater will be absorbed and infiltrated than that presently occurring.

10. Granting the variance will not be contrary to the spirit to RSA 483-B as stormwater management techniques will be implemented to effectively absorb and infiltrate stormwater associated with the projects proposed impervious areas.

11. Granting the variance will do substantial justice as the project will provide the same or greater degree protection than those that currently existing by replanting all temporary impacts associated with the proposed project with native vegetation.

2009-02317 DESROCHE, MIKE
DEERFIELD Pleasant Lake

Requested Action:

Impact 3,872 sq ft for the purpose of expanding a non-conforming structure.

APPROVE PERMIT:

Impact 3,872 sq ft for the purpose of expanding a non-conforming structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with site plans by Erik R. Buck of Pollock Land Planning, LLC. dated September 21, 2009 and

received by the Department of Environmental Services ("DES") on October 6, 2009 and stormwater plans by Erik R. Buck of Pollock Land Planning LLC. dated July 2, 2009 and received by DES on November 3, 2009.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 18.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,954 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. The proposed stormwater management techniques shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
7. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Pleasant Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to reduce the quantity of impervious area within the protected shoreland by 2.3%.
4. The applicant has proposed to install stormwater controls consisting of gutters that direct roof stormwater to a 3 ft x 4 ft dry well and rain garden.
5. The applicant has proposed to plant additional native vegetation within the waterfront and natural woodland buffers.
6. The applicant has proposed to remove an existing walkway the encroaches on a wetland area.
7. The applicant has proposed reduce the overall area of imperviousness of the lot within the protected shoreland, incorporate stormwater controls, enhance the waterfront and natural woodland buffers, and remove a structure from an wetland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02323 GARBARINO, WILLIAM & CAROL
ORFORD Connecticut River

Requested Action:

Impact 15,994 sq ft for the purpose of expanding a non-conforming structure and constructing a new barn.

APPROVE PERMIT:

Impact 15,994 sq ft for the purpose of expanding a non-conforming structure and constructing a new barn.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Bartlett Architecture, dated October 4, 2009 and received by the Department of Environmental Services ("DES") on November 15, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 9.16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 58,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 28,271 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
5. The proposed stormwater controls shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Connecticut River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the eaves of the existing and proposed structures.
4. The applicant has proposed to plant 75 low-bush blueberry plants within the waterfront buffer.
5. The applicant has proposed to install stormwater controls and significantly enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.